

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL BRAND,

Defendant.

§
§
§
§
§
§
§
§

No. CR 1:23-00953-001 KWR

**DEFENDANT’S OPPOSED MOTION FOR FURLOUGH AND THIRD-PARTY
RELEASE TO ATTEND FUNERAL, BURIAL AND RECEPTION OF HIS DECEASED
FIANCE**

COMES NOW, Defendant Michael Brand, by and through his attorney of record, Assistant Federal Defender, Devon M. Fooks and hereby moves this Court to grant a furlough for Mr. Brand to attend the rosary and funeral of his fiancé, Shannon Beard who passed away on or about September 27, 2023. As grounds for this motion Mr. Brand states as follows:

- 1) Mr. Brand was arrested on June 2, 2023 on charges related to drug trafficking.
- 2) He is currently pending trial on an indictment filed on June 27, 2023 charging Mr. Brand with one count of possession of narcotics with intent to distribute 500 grams or more of methamphetamine pursuant to 21 U.S.C. §841(b)(1)(A), one count of possession with intent to distribute 40 grams or more of fentanyl pursuant to 21 U.S.C. §841(b)(1)(B), and possession of a firearm in furtherance of a drug trafficking crime pursuant to 18 U.S.C. §924(c)(1)(A)(i). [Doc. 15]
- 3) On June 6, 2023, the Honorable John Robbenhaar ruled that there were no conditions of combination of conditions under which Mr. Brand could be released pursuant to 18 U.S.C.

§3142(g) and found that Mr. Brand had not overcome the presumption that he is a danger to the community and a flight risk. [Doc. 11]

- 4) Mr. Brand has been incarcerated at the Cibola County Correctional Center since June 2, 2023.
- 5) On or about September 27, 2023 Ms. Beard died as a result of a car accident in Albuquerque, New Mexico. She survived the initial accident but as she was crawling out of her car she was struck and killed by another vehicle travelling on the road.
- 6) The funeral services and rosary span two days.
- 7) On October 10, 2023 at the French Funeral home located at 10500 Lomas Blvd NE a rosary will be held from 6:00 p.m. to 8:00 p.m.
- 8) The following day on October 11, 2023 there will be a funeral and a reception from friends and family.
- 9) The funeral service will take place at the Sagebrush Church located at 7500 Montgomery Blvd NE beginning at 11:00 a.m. and ending at approximately 12:30 p.m.
- 10) Ms. Beard's body will be buried at the Mt. Calvary Cemetery located at 1900 Edith Blvd NE beginning at 1:00 p.m. and ending at approximately 2:30 p.m.
- 11) After the burial there will be a reception for friends and family at Sangre de Cristo Church located at 8901 Candelaria Rd NE beginning at 3:00 p.m. and ending at 6:00 p.m.
- 12) Mr. Brand's brother, Scott Brand will be responsible for picking up Mr. Brand at the Cibola County Correctional Center.
- 13) On October 10, 2023, Mr. Scott Brand , Mr. Brand's brother, will pick up Mr. Brand at the detention facility at 4:00 p.m. ad return him to the facility no later than 10:00 p.m. on the same day.

- 14) On October 11, 2023, Mr. Scott Brand , Mr. Brand's brother, will pick up Mr. Brand at the detention facility at approximately 9:15 a.m. and will return him to the facility no later than 8:00 p.m. on the same day.
- 15) During the furlough Mr. Scott Brand would be a third-party custodian for Mr. Brand and will be responsible for supervising Mr. Brand and making sure that Mr. Brand complies with any and all conditions the Court should place on him during the furlough period.
- 16) Mr. Brand understand that this motion is being filed late on a Friday prior to a long weekend. As such, it is possible that the Court may not have time to rule on the motion prior to October 10, 2023. If this is the case, Mr. Brand would like to be released on October 11, 2023 so that he can attend the funeral, burial, and reception in honor of Shannon Beard.
- 17) Assistant United States Attorneys Paul Mysliwicz and Nicholas Mote OPPOSE this motion.

WHEREFORE, Mr. Brand respectfully requests that this court grant Mr. Brand a furlough for October 10, 2023 and/or October 11, 2023 and place Mr. Brand in the third-party custody of Mr. Scott Brand during the brief period of release.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
111 Lomas Blvd., NW, Suite 501
Albuquerque, NM 87102
(505) 346-2489
(505) 346-2494 Fax
devon_fooks@fd.org


/s/ filed electronically on 10/6/23

DEVON M. FOOKS, AFD
Attorney for Michael Brand